

## Bureau of Land Management, Interior

## § 9212.2

9212.0-5 Definitions.

9212.0-6 Policy.

9212.1 Prohibited acts.

9212.2 Fire prevention orders.

9212.3 Permits.

9212.4 Penalties.

AUTHORITY: 43 U.S.C. 1701 *et seq.*

SOURCE: 46 FR 42828, Aug. 24, 1981, unless otherwise noted.

### Subpart 9212—Wildfire Prevention

#### § 9212.0-1 Purpose.

The purpose of this subpart is to set forth procedures to prevent wildfires on the public lands.

#### § 9212.0-2 Objective.

The objective of this subpart is to prevent wildfires on the public lands.

#### § 9212.0-3 Authority.

This subpart is issued under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

#### § 9212.0-5 Definitions.

As used in this subpart, the term:

(a) *Person* means individuals, corporations, companies, associations, firms, partnerships, societies or joint stock companies.

(b) *Authorized officer* means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described in this subpart.

(c) *Public lands* means any lands and interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except:

(1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

(d) *Fire* means the burning of timber, trees, slash, brush, tundra, grass or other flammable material such as, but not limited to, petroleum products, trash, rubbish, lumber, paper, cloth or agricultural refuse occurring out of doors and includes *campfire* as defined in this section.

(e) *Campfire* means a controlled fire occurring out of doors used for cooking, branding, personal warmth, lighting, ceremonial or esthetic purposes.

(f) *Permit* means authorization in writing by the authorized officer.

(g) *Closed area* means public lands closed to entry by a Bureau of Land Management fire prevention order.

(h) *Wildlife* means any wildland fire that requires a suppression response.

(i) *Restricted area* means public lands restricted as to use(s) by a Bureau of Land Management fire prevention order.

#### § 9212.0-6 Policy.

It is the policy of the Bureau of Land Management to take all necessary actions to protect human life, the public lands and the resources and improvements thereon through the prevention of wildfires. Wherever possible, the Bureau of Land Management's actions will complement and support State and local wildfire prevention actions.

#### § 9212.1 Prohibited acts.

Unless permitted in writing by the authorized officer, it is prohibited on the public lands to:

(a) Cause a fire, other than a campfire, or the industrial flaring of gas, to be ignited by any source;

(b) Fire a tracer or incendiary device;

(c) Burn, timber, trees, slash, brush, tundra or grass except as used in campfires;

(d) Leave a fire without extinguishing it, except to report it if it has spread beyond control;

(e) Build, attend, maintain or use a campfire without removing all flammable material from around the campfire adequate to prevent its escape;

(f) Resist or interfere with the efforts of firefighter(s) to extinguish a fire;

(g) Enter an area which is closed by a fire prevention order, or

(h) perform any act restricted by a fire prevention order.

#### § 9212.2 Fire prevention orders.

(a) To prevent wildfire or facilitate its suppression, an authorized officer may issue fire prevention orders that close entry to, or restrict uses of, designated public lands.

(b) Each fire prevention order shall:

### § 9212.3

(1) Identify the public lands, roads, trails or waterways that are closed to entry or restricted as to use;

(2) Specify the time during which the closure or restriction shall apply;

(3) Identify those persons who, without a written permit, are exempt from the closure or restrictions;

(4) Be posted in the local Bureau of Land Management office having jurisdiction over the lands to which the order applies; and

(5) Be posted at places near the closed or restricted area where it can be readily seen.

#### § 9212.3 Permits.

(a) Permits may be issued to enter and use public lands designated in fire prevention orders when the authorized officer determines that the permitted activities will not conflict with the purpose of the order.

(b) Each permit shall specify:

(1) The public lands, roads, trails or waterways where entry or use is permitted;

(2) The person(s) to whom the permit applies;

(3) Activities that are permitted in the closed area;

(4) Fire prevention requirements with which the permittee shall comply; and

(5) An expiration date.

(c) An authorized officer may cancel a permit at any time.

#### § 9212.4 Penalties.

Any person who knowingly and willfully violates the regulations at § 9212.1 of this title shall, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment of not more than 12 months, or both.

## PART 9230—TRESPASS

### Subpart 9239—Kinds of Trespass

Sec.

9239.0-3 Authority.

9239.0-7 Penalty for unauthorized removal of material.

9239.0-8 Measure of damage.

9239.0-9 Sale, lease, permit, or license to trespassers.

9239.1 Timber and other vegetative resources.

9239.1-1 Unauthorized cutting, removal, or injury.

9239.1-2 Penalty for trespass.

### 43 CFR Ch. II (10-1-14 Edition)

9239.1-3 Measure of damages.

9239.2 Unlawful enclosures or occupancy.

9239.2-1 Enclosures of public lands in specified cases declared unlawful.

9239.2-2 Duty of district attorney.

9239.2-3 Responsibility for execution of law.

9239.2-4 Filing of charges or complaints.

9239.2-5 Settlement and free passage over public lands not to be obstructed.

9239.3 Grazing, Alaska.

9239.5 Minerals.

9239.5-1 Ores.

9239.5-2 Oil.

9239.5-3 Coal.

9239.6 Materials.

9239.6-1 Turpentine.

9239.7 Right-of-way.

9239.7-1 Public lands.

AUTHORITY: R.S. 2478 and 43 U.S.C. 1740.

SOURCE: 35 FR 9800, June 13, 1970, unless otherwise noted.

### Subpart 9239—Kinds of Trespass

#### § 9239.0-3 Authority.

(a) Sections 9239.0-3 to 9239.7 are issued under the authority of R.S. 2478; 43 U.S.C. 1201.

(b) In addition to liability for trespass on the public lands, as indicated in this part, persons responsible for such trespass may be prosecuted criminally under any applicable Federal law. Penalties are prescribed by the following statutes:

(1) Timber trespass. 18 U.S.C. 1852, 1853.

(2) Turpentine trespass. 18 U.S.C. 1854.

(3) Coal trespass. 18 U.S.C. 1851; 30 U.S.C. 201(b)(4).

[35 FR 9800, June 13, 1970, as amended at 42 FR 4460, Jan. 25, 1977]

#### § 9239.0-7 Penalty for unauthorized removal of material.

The extraction, severance, injury, or removal of timber or other vegetative resources or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of trespass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts.

[35 FR 9800, June 13, 1970, as amended at 56 FR 10176, Mar. 11, 1991]